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Hearing Date: April 19, 2023  
Hearing Time: 10:00 AM (EST)  
Objection Deadline: April 12, 2023  
Objection Time: 4:00 PM (EST)

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

**NOTICE OF TRUSTEE'S MOTION AND MEMORANDUM OF LAW TO  
AFFIRM HIS DETERMINATIONS DENYING CLAIMS OF CLAIMANTS  
HOLDING INTERESTS IN PEERSTATE EQUITY FUND LP, GETTINGER  
MANAGEMENT LLC PROFIT SHARING PLAN, AND SMT INVESTORS LLC**

**PLEASE TAKE NOTICE** that Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.* (“SIPA”),<sup>1</sup> and the chapter 7 estate of Bernard L. Madoff (“Madoff”), respectfully moves pursuant to Trustee’s Motion and Memorandum to Affirm His Determinations Denying Claims of Claimants Holding Interests in Peerstate Equity Fund LP, Gettinger Management LLC, and SMT Investors, LLC (the “Motion”), the declarations of Stephanie Ackerman and Vineet Sehgal, and the exhibits attached thereto, for an order affirming the Trustee’s denial of the claims of Objecting Claimants who asserted claims based upon their interest in Peerstate Equity Fund LP, Gettinger Management LLC, and SMT Investors, LLC (collectively, the “Limited Liability Companies”), disallowing such claims, and overruling certain objections to the Trustee’s determinations of their claims, on the grounds that the Objecting Claimants are not “customers” as such term is used at SIPA § 78III(2). No other basis for claim denial other than the “customer” issue will be dealt with in the current Motion.

**PLEASE TAKE FURTHER NOTICE** that a hearing on this Motion is scheduled for **April 19, 2023**, at 10:00 a.m. before the Honorable Cecelia G. Morris, United States Bankruptcy Judge for the United States Bankruptcy Court, Southern District of New York, or such other time as the Court determines. However, if no objection to the Motion is filed and served in accordance with the requirements of this notice, the Court may enter an order granting the requested relief without holding a hearing under Local Bankruptcy Rule 9075-2.

**PLEASE TAKE FURTHER NOTICE** that pursuant to the Court’s directive, all hearings will be conducted remotely pending further Order of the Court. All parties who wish to participate in the Hearing must refer to Judge Morris’ guidelines for remote appearances and are

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<sup>1</sup> See 15 U.S.C. § 78aaa *et seq.* (West 2009). For convenience, subsequent references to sections of the Securities Investor Protection Act shall be denoted simply as “SIPA § \_\_.”

required to make arrangements to appear via ZoomGov. For further details on ZoomGov, please call the Courtroom Deputy at (845) 451-6367. Further instructions regarding remote appearances via ZoomGov can be found on the Court's website at <https://www.nysb.uscourts.gov/zoom-video-hearing-guide>. Pro se parties may participate telephonically in hearings free of charge.

**PLEASE TAKE FURTHER NOTICE** that any objections to the Motion are required to be received by April 12, 2023. An objection must be served on the Trustee and the Securities Investor Protection Corporation by mailing the objection to the following addresses: (a) Baker & Hostetler LLP, counsel for the Trustee, 45 Rockefeller Plaza, New York, New York 10111, Attn: David J. Sheehan, Esq. and (b) the Securities Investor Protection Corporation, 1667 K Street, NW, Suite 1000, Washington, DC 20006, Attn: Kevin H. Bell, Esq. and Nathanael Kelley, Esq. Any objection must specifically state the interest that the objecting party has in these proceedings and the basis of the objection to the Motion. Upon receipt of an objection, the Trustee shall file the objection with the Clerk of the United States Bankruptcy Court and deliver a courtesy copy to Chambers.

**PLEASE TAKE FURTHER NOTICE** that Notice of the Motion will be provided by U.S. Mail, postage prepaid or email to (i) claimants listed in Exhibit 2 annexed to the supporting Declaration of Vineet Sehgal; (ii) all parties included in the Master Service List as defined in the Order Establishing Notice Procedures, ECF No. 4560; (iii) all parties that have filed a notice of appearance in this case; (iv) the SEC; (v) the IRS; (vi) the United States Attorney for the Southern District of New York; and (vii) SIPC, pursuant to the Order Establishing Notice Procedures, ECF No. 4560. The Trustee submits that no other or further notice is required. In addition, the Trustee's pleadings filed in accordance with the schedule outlined above will be posted to the Trustee's website [www.madofftrustee.com](http://www.madofftrustee.com) and are accessible, without charge, from

that site. Exhibits 4-14 to the supporting Declaration of Vineet Sehgal and Exhibits 8–9 to the supporting Declaration of Stephanie Ackerman will be available for review upon written or telephonic request to Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, NY 10111, Attn: Stephanie Ackerman, Tel: (212) 847-5851, Email: [sackerman@bakerlaw.com](mailto:sackerman@bakerlaw.com).

Dated: New York, New York  
March 10, 2023

Respectfully submitted,

/s/ David J. Sheehan

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